IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.5006 of 1998
With
CIVIL APPLICATION No.6414 of 1998
In SPECIAL CIVIL APPLICATION No.5006 of 1998

For Approval and Signature:
HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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G A JOSHI & 9 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance:
MR BHASKAR P TANNA, SENIOR ADVOCATE, WITH MS MAHROOK N KERRAVALA for TANNA ASSOCIATES for Petitioner(s):1-2 & 4–10

DELETED for Petitioner(s) : 3,
MR SP HASURKAR, AGP, for Respondent(s) : 1 - 4.

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

Date : 07/07/2006

ORAL JUDGMENT

1. This petition has been preferred by 10 different petitioners, who were similarly placed. The petitioners

were working in Soil Conservation Section of Agriculture Department in the Government of Gujarat as Senior Clerks. The respondent authorities passed an order reverting the petitioners to the post of Junior Clerk and as a consequence sought recovery. The petitioners have challenged this action of the respondent authorities as well as seniority list dated 1st February, 1997.

2. Learned Senior Advocate Mr. B.P. Tanna, appearing on behalf of the petitioners, states that each one of the petitioners have since retired during pendency of the petition and their respective pensions have already been fixed.

3. In this fact situation, it is not necessary to record submissions of the parties. It is an admitted fact that by way of interim relief the order of reversion and consequential recovery have been stayed and till the date of superannuation of each of the petitioners, such interim relief has been operative. In these peculiar facts and circumstances of the case it would be in the fitness of things if the order of reversion and consequential recovery are not permitted to operate qua the retiral

benefits including pension and the controversy between the parties is put at rest without any further directions.

4. In the facts and circumstances of the case, the controversy regarding fixation of seniority has become academic and hence, the prayer for declaration of seniority list on 1st February, 1997 being bad in law need not be entertained at this stage.

5. The petition, accordingly, stands disposed of subject to the aforesaid clarification. Rule made absolute accordingly, with no order as to costs.

6. In light of the aforesaid order passed in Special Civil Application, Civil Application has also become disposed off.

Sd/-
[D.A. MEHTA, J]

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Bhavesh*